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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------------------|------------------------|
| 10/726,758 | 12/03/2003 | Roy Schoenberg | 66729/P029US/10613663 | 4221 |
| 29053 7590 07/16/2007 FULBRIGHT & JAWORSKI L.L.P 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784 | | | EXAMINER LEWIS, CHERYL RENE A | |
| | | | ART UNIT 2167 | PAPER NUMBER |
| | | | MAIL DATE 07/16/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,758

Applicant(s)

SCHOENBERG, ROY

Examiner

Cheryl Lewis

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to the applicant's communication received on April 25, 2007.
2. Claims 1-46 are presented for examination.
3. The applicant have cancelled claims 47-55.
4. Applicants' arguments with respect to claims 1-46 have been considered but are deemed to be moot in view of the new grounds of rejection.

Claim Objections

5. Claims 1 and 21 are objected to because of the following informalities:

In the applicants' remarks received on April 25, 2007, the applicants have argued that the independent claims of the instant application include a result of the search that is conducted within the independent claims. However, claim 1 and 21 do not include any claim limitations that is a result of a search. Only claims 9, 29, and 41 include claim limitations that recite a result of a search.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

Art Unit: 2167

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Stangel (Publication No.: US 2007/0073559 A1, priority to provisional application no. 60/247246 filed November 13, 2000 and 60/714968 filed September 8, 2005).

8. Regarding Claims 1, 9, 21, 29, 41, and 47, Stangel teaches a clinical care utilization management system.

The method and associated system for a clinical care utilization management system as taught or suggested by Stangel includes:

receiving data records (§0074), wherein each data record includes one or more data fields and a field value associated with each data field (§0083 and 0084); searching a plurality of text strings (§0073); a text-string for each data record (§0018 and 0070-0073), wherein each text-string includes one or more text-based data descriptors (§0018 and 0070-0073), such that each data descriptor includes: a field descriptor that defines a specific data field within the data record to which the text-string is related (§0018 and 0070-0073), and a value descriptor that defines the field value associated with the specific data field (§0018, 0070-0073, and 0083-0084);

defining a first target value for each of one or more data fields within a database (§0069-0074) record structure of a database (§0018, 0070-0073, and 0083-0084); and

generating a first result set by identifying one or more text-strings that include a value descriptor that is essentially equivalent to at least one of the first target values (¶0018, 0070-0073, and 0083-0084).

9. Regarding Claims 2, 12, 22, and 32, Stangel teaches storing the text-strings as a text-based data file (¶0018, 0070-0073, and 0083-0084).

10. Regarding Claims 3, 13, 23, and 33, Stangel teaches the means which essentially comprises the same means as ASCII file (¶0018, 0070-0073, and 0083-0084).

11. Regarding Claims 4, 14, 24, and 34, Stangel teaches a record identifier that identifies the data record to which the text-string is related (¶0018, 0070-0073, and 0083-0084).

12. Regarding Claims 5, 15, 25, and 35, Stangel teaches each data descriptor includes one of characters (¶0018, 0070-0073, and 0083-0084).

13. Regarding Claims 6-8, 9-11, 16-20, 26-28, 30, 31, 36-40, and 42-46, the limitations of these claims have been noted in the rejections above. They are therefore rejected as set forth above.

NAME OF CONTACT

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Lewis/
Patent Examiner, A.U. 2167
July 9, 2007